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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,871	12/21/2001	Masanori Wakai	35.C16065	4674
5514 7590 02/05/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER NGUYEN, TAN D	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 02/05/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/023,871

Applicant(s)

WAKAI ET AL.

Examiner

Tan Dean D. Nguyen

Art Unit

3629

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

The amendment filed 3/16/07 has been entered. Claims 1-66 are pending and rejected as followed. There are 3 groups of claims:

- (I) System: 6 sets of claims 1-5, 6-14, 15-16, 17-28, 29 and 30,
- (II) Method: 6 sets of claims 31-35, 36-44, 45-46, 47-58, 59, and 60, and
- (III) Program product: 6 sets of claims 61, 62, 63, 64, 65 and 66.

### ***Claim Rejections - 35 USC § 112***

1. Claims 1-5, 6-14, 15-16, 17-28, 31-35, 45-46, and 61-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) In independent claims 1, 15, 17, 31, 45 and 61-66, the phrases "means for receiving an approval service" and "means for storing the approval service" are vague because "service" deals with tasks or activities or steps which can not be received or stored. It appears that the step receiving and storing deals with "information" or "data" about the approval service and wherein the information/data can be stored. Corrections are required to improve clarity.

(2) Claims 3-4 are vague. The phrases "the decision condition includes a condition corresponding to the user of the information processing apparatus" and "a condition corresponding to the information processing apparatus preparing said approval request" in claims 3-4 are vague and indefinite. Applicant need to show how

the corresponding works or carried out in related to the "decision condition" in steps (a) and (b).

(3) Claim 5 is vague. Claim 5 calls for "wherein said decision means" of independent method claim 1, but it's really "decision means for deciding whether on not to approve..." and not "decision means" alone.

(4) Claims 1, 6, 17, 29, 30, 31, 36, 47, 59, 60, 61, 62, 64, 65 and 66 recite the limitation "the result" in the last two lines. There is insufficient antecedent basis for this limitation in the claims.

(5) In claims 15, 45 and 63, the phrase "transmission means for searching" is vague since "transmission" does not match with "searching" function. Also, in claim 15, lines 5-7 are vague.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**5. Claims 1-5 (system), 31-35 (method), and 61 (respective computer program for the previous method) are rejected under 35 U.S.C. 103 as being obvious over GADOL.**

As of 3/16/07, independent system claim 1 is as followed:

1. (Currently Amended) An information processing apparatus, comprising:

(a) receiving means for receiving an approval service which includes a decision condition set by a user of an approval service provider;

(b) storage means for storing the approval service received by said receiving means;

c) approval request preparing means for preparing an approval request based on values entered by a user of the information processing apparatus;

(d) decision means for deciding whether or not to approve said prepared approval request, based on said stored approval service; and

(e) output means for outputting the result of the decision of said decision means.

31. (Currently Amended) An information processing method comprising:

(a) a receiving step for receiving an approval service which includes a decision condition set by a user of an approval service provider;

(b) a storage step of storing the approval service received in said receiving step;

(c) an approval request preparing step for preparing an approval request based on values entered by a user;

(d) a decision step of deciding whether or not to approve said prepared approval request, based on said stored approval service; and

(e) an output step of outputting the result of the decision of said decision step.

Note: for convenience, letters (a)-(e) are added to the beginning of each step.

Also descriptive materials that further limit the data received in step (a) or stored in step (b) are considered as non-functional descriptive material and carry no patentable weight.

**As for independent claims 1 and 31 and 61,** similarly, GADOL discloses an automatic approval workflow system, method and computer program product, of a user request for approval comprising:

(a) receiving means for receiving an approval service information which includes a decision condition (business rules and roles for making a consistent and intelligent decision regarding a request) set by a user of an approval service provider;

(b) storage means for storing the approval service received by said receiving means;

{see col. 2, lines 1-15, Fig. 1, Database, col. 1, lines 55-67, Fig. 2, 114-2, col. 4, lines 36-53}

c) an approval request preparing step for preparing an approval request based on values entered by a user;

{see Fig. 1, col. 1, lines 48-55, Fig. 2, col. 1, lines 20-25, col. 8, lines 40-50,

(d) a decision step of deciding whether or not to approve said prepared approval request, based on said stored approval service; and

{see Fig. 3, col. 1, lines 25-65, col. 2, lines 55-65, col. 3, lines 10-15, col. 11, lines 56-60}

(e) an output step of outputting the result of the decision of said decision step.  
{see Fig. 3, 224, col. 1, lines 25-45, col. 3, lines 20-41}.

As for steps (a) and (b), they are inherently included in the teachings of GADOL in order to subsequently carry out steps (c) and (d) automatically as cited below:

As for the phrase "set by a user of an approval service provider", this is inherently included in the system of GADOL to make it works effectively. Alternatively, it would have been obvious to use the user of the approver service to set up the decision conditions since he/she is more familiar with the approval service provider and makes it

working efficiently. Moreover, as indicated above, descriptive materials that further limit the data/information received in step (a) or stored in step (b) are considered as non-functional descriptive material and carry no patentable weight. In other word, in a computer-implemented method or data processing method, data is "number, i.e. "100"" or "word, i.e. "John Smith", or "travel"" or "information, i.e. "refund"". How the data is generated, i.e. "set by a user of an approval service provider" carries no patentable weight unless there is a citation of a step or means for "setting up a decision condition in the approval data by a user" prior to step (a).

**As for dep. claim 2** (part of 1 above), which deals with well known approval processing parameter, an execution means/step for executing a another task/process upon approval, this is taught in col. 2, lines 1-5, 45-65.

**As for dep. claims 3-4** (part of 1 above), which deals with well known approval processing parameters, decision condition parameters (or business rules parameters, or types of rules), these are taught in col. 1, lines 25-45, col. 2, lines 1-50, or col. 10, lines 1-50. Alternatively, the types of decision conditions or rules depending on its type, rigid or dynamic, varying with the types of service requested, etc. and would have been obvious to a skilled artisan to select the condition corresponds to the information to make the system works properly. Moreover, the descriptive materials that further limit the data/information received in (a) or stored in (b) are considered as non-functional descriptive material and carry no patentable weight, for the same reasons set forth above.



**As for dep. claim 5** (part of 1 above), which deals with well known approval processing parameters, i.e. decision condition (rules) timing parameters such as no approval during prohibition period or company inactive/unavailable period, etc., this is taught on col. 10, lines 40-45 wherein the request made to an office after its closing time (prohibition period) has to be routed to a qualified individual at another office with later hours or in a different time zone. Moreover, this is non-essential to the scope of the claimed invention with deals with automation and would have been obvious to a skilled artisan to carry out this limitation since there are well known company prohibition periods when no activities are desired, such as after closing time or Sunday or holidays such as July 4 or Dec. 25, since the company are inactive or off on those time.

**As for method claims 32-35**, they are basically the respective method to carry out the system claims 2-5 above, they are rejected for the same rejections as cited in the rejections of claims 1-5 above. Moreover, it would have been obvious to a skilled artisan to set up the same respective steps to achieve the same respective function of the system claim.

**6. Claims 6-14, 15-16, 17-28, 29, and 30 (systems), 36-44, 45-46, 47-58, 59, and 60 (methods), 62, 63, 64, 65 and 66 (computer program products) are rejected under 35 U.S.C. 103(a) as being unpatentable over GADOL in view of eFlow article (March 2000).**

As of 3/16/07, claim 6 is as followed:

**6. (Currently Amended) An approval system, comprising:**

(a) a service server for managing plural approval services registered by an approval service provider, and

(b) a client terminal having approval request preparing means for preparing an approval request based on values entered by a user of the client terminal, wherein said client terminal further includes:

(i) acquisition means for searching for and acquiring an approval service matching said approval request, among the plural approval services registered in said service server, wherein the approval service includes a decision condition set by a user of the approval service provider;

(ii) decision performing means for performing the approval decision for said approval based on said acquired approval service; and

(iii) output means for outputting the result of the decision of said decision performing means.

Note: that alphabetical letters are added to the beginning of each element for convenience.

Note that it appears that claim 6 is an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-

32 (*Fed. Cir.* 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Also, this is an apparatus claim and intended use limitation carries no patentable weight. Therefore, the following limitations have no patentable weight:

- (1) "for managing plural approval services... service provider" ,
- (2) "...based on values entered by a user of the client terminal",

Similarly, as teaches above, **GADOL** discloses an approval system, comprising:

- (a) a service server for managing plural approval services; and

{see Fig. 2, element 110-1, col. 4, lines 10-20}

(b) a client terminal having approval request preparing means for preparing an approval request based on values entered by a user of the client terminal, wherein said client terminal further includes:

- (ii) decision performing means for performing the approval decision for said approval based on said acquired approval service; and

- (iii) output means for outputting the result of the decision of said decision performing means.

{see Fig. 2, element 110-1 and element 110-2, 114-1, 113-1, 112-1}

GADOL fairly teaches the claimed invention except for (i) of acquisition means for searching and acquiring a service matching the request, among the plural approval services registered in said service server, wherein the approval service includes a decision condition set by a user of the approval service provider. Note that the selection of the boundary of the service server and client terminal is relative

**eFlow Article** is cited to teach a platform for developing and managing composite e-Services by a service provider D wherein the service provider offers a new service category, i.e. eMove, that provides complete relocation services that are operated by invoking other services, possibly offered by service providers A, B, C, or by service provider D itself. The service provider D will take care of selecting and invoking the proper composite eMove Service by matching the user's request information with the acquired service provided by service providers A, B, or C {see cols 2-3, 7-8, 10, and especially cols. 10-11, Fig. 1, 3, 7-8}. This allows the company to offer higher value, end-to-end services to meet the customer's various needs or requests or requirements. The eFlow platform supports the specification, deployment, and management of composite e-services, i.e., of e-services that are carried out by invoking several other basic or composite services {see cols 1-2}. Clearly, service provider D has to register the services of service providers A, B, or C on its server prior to using their services or the registration of other services on service server of A is inherently included prior to activating the services provided by providers A, B or C. As for the difference in the service provided (type of service), approval vs. moving, this is non-essential since this is merely intended use of the service and this is within the skill of the artisan, moreover,

the critical feature here is the managing of composite services or e-services by one entity and the providing of multiple services to a customer to meet all of the customer's needs. It would have been obvious to modify the teaching of GADOL by including in element (i) means for acquiring other services (or composite services) that registered in the server (Fig. 2, element 110-1, 114-1) for providing other services requested by the user based on the data/values entered by a user of the client terminal as taught by eFlow Article for the benefit cited above which is providing higher value, end-to-end services to meet the customer's various needs or requests or requirements. Also, the selection of the service server or client terminal for storing the searching/acquisition of the approval services depends on the ability of the client or provider to handle the cost, operation, flexibility, of the computer network as shown in Fig. 2 and would have been obvious to a skilled artisan to elect either the client or the service provider to perform the previous functions as desired or suitable.

**As for dep. claim 7** (part of 6 above), which deals with a method step/manner of operation "... provider registers" of a non-patentable weight element in an apparatus claim as indicated above, this feature has no patentable weight in an apparatus claim.

**As for dep. claim 8** (part of 6 above), which deal with the features of the request storage means and acquiring means, these are taught in Fig. 2, 6 and 7 of GADOL and cols. 3 and 10 of eFlow Article.

**As for dep. claim 9** (part of 6 above), which deal with the capability ("...is constructed to search and acquire...") of the acquisition means based on a method step

or manner of operation ("upon detecting" and "is connected") as shown in the claim "is constructed to ...upon detecting that said client terminal is connected..." which has no patentable weight in an apparatus claim. Furthermore, GADOL/eFlow Article has this capability.

**As for dep. claim 10** (part of 6 above), which deals with well known terminal parameter, i.e. a portable terminal, this is taught in Fig. 2, 113-1, laptop computer, of GADOL.

**As for dep. claim 11** (part of 6 above), which deals with the capability ("is constructed to search for and acquire...") of the acquisition means in response to a manner of operating of an element of the device or a method step, i.e. "*in response to the insertion of a card*", this has no patentable weight in an apparatus claim as noted above. Furthermore, GADOL/eFlow Article has this capability.

**As for dep. claim 12** (part of 6 above), which appears to deal with a method step/manner of operation "... in the case that the ...approval" in an apparatus claim, this feature has no patentable weight in an apparatus claim. Furthermore, it's an optional feature, thus having no patentable weight. Furthermore, this is inherently included in the teachings of GADOL /eFlow Article as shown in GADOL col. 3.

**As for dep. claim 13** (part of 6 above), which appears to further limit a data or information (decision condition) in an apparatus claim, this is considered as non-functional descriptive material (NFDm) and thus having no patentable weight. Furthermore, this is inherently included in the teachings of GADOL /eFlow Article as shown in eFlow Article cols. 10-11.

**As for dep. claim 14** (part of 6 above), which appears to deal with a method step/manner of operation "...further searches..." in an apparatus claim, this feature has no patentable weight in an apparatus claim. Furthermore, this is inherently included in the teachings of GADOL /eFlow Article as shown in GADOL Fig. 2, eFlow Article cols. 10-11.

**As for independent system claim 15**, GADOL discloses storage means (database) for storing data/services about an approval request by a user, and wherein the approval data includes a decision condition (rules) inherently set by a user of the provider {see Fig. 2, 114-2, 110-2, } and transmission means for searching for approval service matching the request based on data (search instruction) received from an external apparatus {see Fig. 2, 113-1, 112-2, Fig. 3, 222 and 224} and transmitting the data/service to the external apparatus {see Fig. 3, 222, 224}. As for the limitation of "wherein the external apparatus decides whether or not to approve...a user", this appears to be a function or step and not a elemental structure, thus having no patentable weight in an apparatus claim. Moreover, this limitation is inherently included in the teachings of GADOL or eFlow Article. GADOL fairly teaches the claimed invention except for the limitation of "storing plural services instructed for registration by another service provider" which is taught by eFlow Article above when service provider D instructs the registration of services by service provider A, B, or C for use along with the service from provider D. Also, the selection of the service server or client terminal for storing the searching/acquisition of the approval services depends on the ability of

the client or provider to handle the cost, operation, flexibility, of the computer network as shown in Fig. 2 and would have been obvious to a skilled artisan to elect either the client or the service provider to perform the previous functions as desired or suitable.

**As for dep. claim 16** (part of 15 above), which deals with information means for informing (notifying) information/data, this notifying limitation is taught on Fig. 3, 222 and 224. Note that the last line of "registration ...service provider" is non-functional descriptive material and/or does not have a structural elements, thus have no patentable weight. Furthermore, the last line "...when a new approval service is registered ..." appears to deal with a method step/manner of operation, this feature has no patentable weight in an apparatus claim.

**As for independent system claim 17**, which has similar limitations as in independent system claim 6 except for another server is added, a request server, to carry out the functions of the client terminal which are means for storing the request, means for searching and acquiring the service, means for performing the approval decision, and means for outputting the result of the decision, they are rejected for the same reasons set forth in the rejections of claim 6 above. However, GADOL teachings the use of two servers, 110-1 and 110-2, for service and request server. Therefore, in view of the teachings of eFlow Article, it would have been obvious to elect one of the two servers in GADOL for carrying out the functions cited above as mere selection of suitable server to carry out the same teachings as in claim 6 above. Also, the selection of the service server or client terminal for storing the searching/acquisition of the



approval services depends on the ability of the client or provider to handle the cost, operation, flexibility, of the computer network as shown in Fig. 2 and would have been obvious to a skilled artisan to elect either the client or the service provider to perform the previous functions as desired or suitable.

**As for dep. claims 18-28** (part of 6 above), which appear to deal with method steps or manners of operation of the acquisition means, service server, service provider, approval service, client terminal, etc. similar to those of dep. claims 7-14 above, they are rejected for the same reasons set forth in the rejections of dep. claims 7-14 above, or in other word, these features have no patentable weight in an apparatus claim.

**As for independent system claim 29**, which has similar limitations as in independent system claim 6 except for the service server has the means for performing the approval decision instead of the client terminal, this is taught in GADOL as shown in Fig. 2, element 110-1 or 110-2. The means for transmitting the result of the approval decision is taught in Fig. 2, 112-1 or 113-1. Also, the selection of the service server or client terminal for storing the searching/acquisition of the approval services depends on the ability of the client or provider to handle the cost, operation, flexibility, of the computer network as shown in Fig. 2 and would have been obvious to a skilled artisan to elect either the client or the service provider to perform the previous functions as desired or suitable.

**As for independent system claim 30**, which has similar limitations as in independent system claim 17 except for the service server has the means for

performing the approval decision instead of the client terminal, this is taught in GADOL as shown in Fig. 2, element 110-1 or 110-2. The means for transmitting the result of the approval decision is taught in Fig. 2, 112-1 or 113-1. Also, the selection of the service server or client terminal for storing the searching/acquisition of the approval services depends on the ability of the client or provider to handle the cost, operation, flexibility, of the computer network as shown in Fig. 2 and would have been obvious to a skilled artisan to elect either the client or the service provider to perform the previous functions as desired or suitable.

**As for method claims 36-44**, they are basically the respective method to carry out the system claims 6-14 above, they are rejected for the same rejections as cited in the rejections of claims 6-14 above. Moreover, it would have been obvious to a skilled artisan to set up the same respective steps to achieve the same respective function of the system claim.

**As for method claims 45-46**, they are basically the respective method to carry out the system claims 15-16 above, they are rejected for the same rejections as cited in the rejections of claims 15-16 above. Moreover, it would have been obvious to a skilled artisan to set up the same respective steps to achieve the same respective function of the system claim.

**As for method claims 47-58**, they are basically the respective method to carry out the system claims 17-28 above, they are rejected for the same rejections as cited in the rejections of claims 17-28 above. Moreover, it would have been obvious to a skilled

artisan to set up the same respective steps to achieve the same respective function of the system claim.

**As for method claim 59**, it's basically the respective method to carry out the system claim 29 above, it's rejected for the same rejections as cited in the rejections of claim 29 above. Moreover, it would have been obvious to a skilled artisan to set up the same respective steps to achieve the same respective function of the system claim.

**As for method claim 60**, it's basically the respective method to carry out the system claim 30 above, it's rejected for the same rejections as cited in the rejections of claim 30 above. Moreover, it would have been obvious to a skilled artisan to set up the same respective steps to achieve the same respective function of the system claim.

**As for computer program products claims 62, 63, 64, 65 and 66**, they are basically the respective computer program products to carry out the independent system claims 6, 15, 17, 29 and 30 above, they are rejected over the computer program products required to carry out the rejections of claims 6, 15, 17, 29 and 30 by the computer-implemented system of GADOL indicated in Figs. 2, and 1. Moreover, it would have been obvious to a skilled artisan to set up the same respective computer program product to achieve the same respective function of the computer-implemented system claim.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-66 have been considered but are moot in view of the new ground(s) of rejection.

No claims are allowed.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

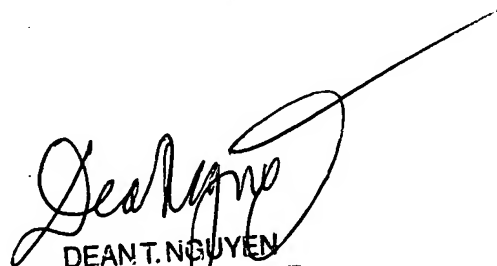
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn  
January 17, 2008

  
DEAN T. NGUYEN  
PRIMARY EXAMINER